

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CSC HOLDINGS, INC,

MEMORANDUM AND ORDER

Plaintiff,

CV 03-585`4

-against-

(Wexler, J.)

BEN FUNG,

Defendant.
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APPEARANCES:

WU & KAO, P.L.L.C.
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Attorneys for Defendant
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WEXLER, District Judge

Plaintiff CSC Holdings, Inc. ("Plaintiff") commenced this action for violation of federal statutes that prohibit the unauthorized reception of cable television programming. Defendant Ben Fung ("Defendant") never filed an answer or other responsive pleading. As a consequence, a judgment of default was entered.

In an order dated May 9, 2005, this court denied Defendant's motion pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, to set aside the judgment of default. Thereafter, on June 10, 2005, this court held a hearing to damages as well as the propriety of the imposition of any sanctions upon Defendant, counsel or both. At the hearing, Plaintiff requested \$5,000 in

statutory damages and attorneys fees of \$10,361.72. The court reserved decision on the propriety of the fees requested to give Defendant an opportunity to review the request and make any objections thereto. Since the hearing, Defendant has submitted a letter indicating objection only to a single entry of 3.5 hours spent preparing for a conference before the court.

The court upholds Defendant's objection to the extent that Plaintiff shall be awarded only two hours of attorney time to prepare for the conference at issue. The court holds further that Plaintiff shall be awarded \$5,000 in statutory damages and the injunctive relief sought in the complaint. Plaintiff is to submit an appropriate order reflecting the damages, the injunctive relief and the reduced attorney fee, but adding any fees associated with the June 10 hearing and the making of the final fee application. Additionally, the order shall reflect a court imposed sanction of \$4,000 against defense counsel (and not his client). This sanction is imposed because of the defense firm's actions in defending this lawsuit as discussed in detail in the prior orders of this court as well as at the June 10 hearing. Plaintiff's counsel shall submit the order on notice.

SO ORDERED.

LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
July 11, 2005